

**Special and Regular City Council Meeting of September 9, 2003.**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

**SPECIAL MEETING: TIME 7:00 P.M.**

**CLOSED SESSIONS**

A. Conference with Real Property Negotiator, City Manager Kersnar, per Government Code Section 54956.8.

APN: 045 182 260

B. Conference with Legal Counsel, Pending Litigation, per Government Code Section 54956.9.

City of Belmont v. Robert Chew, Case No. CIV429192

Attended by Councilmembers Feierbach, Metropulos, Warden, Bauer, Wright, City Manager Kersnar, Deputy City Attorney Zaffarano, Assistant City Manager Rich, Parks and Recreation Director Mittelstadt (Item B only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:17 P.M., these Closed Sessions were adjourned.

This meeting was not tape-recorded.

Terri Cook

City Clerk

**REGULAR MEETING - 7:30 P.M.**

**ROLL CALL**

Councilmembers Present: Feierbach, Metropulos, Warden, Bauer, Wright

Councilmembers Absent: None

Staff Present: City Attorney Savaree, City Manager Kersnar, Assistant City Manager Rich, Public Works Director Davis, Principal Planner de Melo, and City Clerk Cook.

**SPECIAL PRESENTATIONS**

### **Proclamation in Recognition of "Save the Music" Month.**

Mayor Wright presented members of the Save the Music committee with a proclamation recognizing their efforts in raising funds to maintain music education in the Belmont-Redwood Shores School District. Committee members reviewed the activities taking place during the fundraising event September 28 in the Redwood Shores area.

**Catherine Bonnar**, Belmont-Redwood Shores School Board Member, stated that school board members were entering the canoe race, and challenged the City Councilmembers to a race. She forwarded race entry and liability forms for Council's use.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Denny Lawhern**, Hiller Street, said that had been made regarding the potential transfer of the former Pink Building property to another agency. He further stated that it was his recollection that this property had been slated to be a plaza, and the City had expended monies on a plan for the plaza. City Manager stated the staff was investigating and would report back to Council and to Mr. Lawhern.

**Greg Lizak**, Bishop Road, stated that two or three former members of the San Juan Canyon Trust were also members of the Open Space Recreation Task Force. He also stated that he was opposed to the \$20,000 contribution to the San Juan Canyon Trust recently approved by Council.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Bauer gave an update on the League of California Cities Conference activities that he recently attended, and described a ballot initiative introduced at the conference which would require a two-thirds vote of the legislature and a majority vote of the people before the State can take monies from local jurisdictions.

Councilmember Warden reminded the public that staff reports are now available on the Web.

Mayor Wright announced that the Art & Wine Festival would be held on September 20<sup>th</sup> and 21<sup>st</sup>. He also announced an upcoming free computer recycling opportunity.

City Clerk Cook announced the last day to register for the October 7<sup>th</sup> election was September 22, and that she would be doing voter registration at the Art & Wine Festival.

Councilmember Warden requested that tonight's meeting be adjourned in memory of the victims of September 11.

### **CONSENT CALENDAR**

**Approval of** meeting minutes: Special Meeting of August 21, 2003.

**Approval of** Resolution 9467 Approving the SummerHill Cambridge LLC Subdivision Agreement, Maintenance Agreement and Final Subdivision Map Entitled "Cambridge," City of Belmont, California and Accepting Offers of Dedication (Summerhill Homes/Peninsula Jewish Community Center).

**Approval of** Resolution 9468 Approving Retention of Community Group Funds by Safe Schools.

**Approval of** Resolution 9469 Authorizing the City Manager to Execute a Professional Services Agreement with Field Paoli to Perform Schematic Design Architectural Services for the Belmont Library.

**Action:** On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, the Consent Calendar was unanimously approved by a show of hands.

### **OLD BUSINESS**

#### **Setting the Biannual Council Priority Calendar (Step 2: Ranking the Issues)**

Assistant City Manager Rich outlined the process for this second step of Priority Calendar, which was to rank the items for consideration. He clarified that projects which were already under way, such as improvements to Patricia Wharton Park, would continue unless Council directed otherwise.

**Mario Santana**, Manzanita Avenue, urged the Council to keep Patricia Wharton Park improvements high on the list.

Public Works Director Davis clarified that the Street Lights Policy, which had been recommended be dropped from the list, was a staff-driven request to consider uniformity of fixtures, and did not address the impact of lights in the community.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Metropulos, Road Plans and Street Lights were unanimously dropped from the priority list by a show of hands.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Bauer, Consumer Privacy Policy and the Performing Arts Center were unanimously dropped from the priority list by a show of hands.

Councilmember Warden stated that he would be ranking the Sign Ordinance item high on the list so that it could go through the process, that the San Mateo border landscaping has been on the list for a long time and should be moved higher up, and that the Rezoning of HRO-3 and Tree Ordinances are important.

Councilmember Bauer suggested that the parking items be combined.

Councilmember Feierbach stated that Patricia Wharton Park, the Tree Ordinance, Commercial Zoning, and Re-Zone HRO-3 items were high priorities. She recommended dropping Hillside Development Phase 2 and Delayed/failed Development Projects. She also recommended placing Historic Preservation and Public Hearing Notification at the bottom of the list.

Councilmember Metropulos stated that his priorities were Rezoning HRO-3 and the Sign Ordinance, and he agreed with the recommendation to combine the parking issues.

Council discussion ensued regarding the Energy Independence item. Councilmember Warden stated that if the item involved the expenditure of staff time only, he would be in favor. Councilmember Bauer stated the City needed to keep exploring options. City Manager Kersnar stated that that Council would need an independent analysis of any option considered.

**Greg Lizak**, Bishop Road, stated that he had many years of experience in the utility industry, and agreed that expert consultants should be utilized for this issue.

**Stuart Hoffman**, Beresford Avenue, stated that because of high permit fees and the time delay for obtaining the permit, Belmont's policies discouraged energy independence, and that other cities on the Peninsula issued permits over the counter for projects using alternative energy sources.

Mayor Wright stated that many cities in the Central Valley where he previously lived had privately-owned independent energy companies. He

commented that it was 50 years too late to attempt a similar plan for Belmont, and that there were other more important priorities to consider.

Councilmember Warden stated that \$10,000 would not be enough money for such a complex issue.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Explore Options for Energy Independence was dropped from the priority list by a vote of 4-1 (Bauer, no).

At this time, Mayor Wright called a recess in order for Councilmembers to complete their rankings.

**RECESS: 8:40 P.M.**

**RECONVENE: 8:48 P.M.**

Assistant City Manager Rich reviewed the results of the rankings. Council discussion ensued regarding dropping some of the items from the list.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Delayed/Failed Development Projects, Hillside Development Phase 2, Public Hearing Notification, and Historic Preservation were unanimously dropped from the priority list by a show of hands.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Exceptions to Development Standards was dropped from the priority list by a vote of 3-2 (Wright/Bauer, no).

Council discussion ensued on the items under the Parks and Recreation Department. Since the first three items (Art Dedication Fee, City Entry Improvements – San Mateo Border, and Arts Alliance) were so closely ranked, City Manager Kersnar recommended that staff provide more detail on the Project Description Forms for the next meeting, so that Council could make a choice regarding the rankings.

Council discussion ensued regarding the various parking projects and whether or not to combine some or all into one project. Council concurred to direct staff to provide more detail in order to make a determination.

**NEW BUSINESS**

**Discussion and direction regarding Development Options for Private Property in the San Juan Canyon proposed by Scott Piazza & Sherwood Design Engineers.**

Community Development Director Ewing stated that the applicant was seeking conceptual support for this proposal before making formal application through the normal process. He stated that in exchange for approval for two homes, the applicant would provide a conservation easement for a large undeveloped portion of the property, and that the homes would be clustered.

In response to Council questions, Community Development Director stated that the application process would take three to six months, and that no steps in the process would be avoided or eliminated should Council agree to any of the conceptual plans.

**S. Bry Sarté**, Sherwood Design Engineers, gave a Power Point presentation outlining the proposed development on 13 acres of land in the San Juan Canyon area. He explained the conservation easement process and stated that 12 acres would become permanent open space. He stated that the City's recent lot merger program merged the 20 lots on these 13 acres into four lots. He reviewed the geology and slide areas on the subject property. He also outlined the proposed trail plan, and stated that a portion of the gift of land or an easement would provide access for a complete trail loop in the area. He stated that the two homes would be built on approximately  $\frac{3}{4}$  of an acre, 5.6 acres would be public open space, and the remainder would remain private open space. He identified the potential home sites and presented photosimulations of site lines from various vantage points.

Mr. Sarté stated that Sherwood Design Engineers held a community meeting that was attended by 50 to 60 people, and stated that comments were in the area of conservation, development, and design and construction issues.

Mr. Sarté reported that although a detailed slope analysis had not been made, preliminary estimates indicated there could be as many as eight units, although the proposal was for only two homes, plus ancillary structures such as guest house or granny units not exceeding 850 square feet.

Community Development Director Ewing clarified that total floor area for each home, including any ancillary structures, could not exceed 3500 square feet. In response to Council questions regarding whether or not the project was inconsistent with the San Juan Plan, Community Development Director Ewing stated that a detailed analysis had not been made to answer

definitively, but that lot lines could be adjusted if necessary. He also stated that there had been no determination regarding the need for a road extension to accommodate the homes. Mr. Sarté clarified that there was no plan to request an exception to the floor area ratio.

**Warren Gibson**, E. Laurel Creek, stated that the San Juan Canyon Trust does not endorse projects and that his comments were his personal view. He clarified that he had advised the applicant regarding this project but that he was not receiving compensation, and that he would recuse himself when and if the project came before the Planning Commission. He stated that even though not much has developed in the San Juan Canyon over the past 25 years, the area could not be kept in limbo. He said that in addition to the slope density and lot merger program, this low-impact development presented another tool to preserve open space, and would add to the existing trail system using no taxpayer money. He clarified that he was endorsing the project.

**Kay Forman**, San Juan Boulevard, stated that the Trust had attempted to purchase the property, but that Mr. Piazza bought it instead. She stated that property owners who are building in the Canyon should pay to repave the streets torn up by trucks. She expressed concerns regarding the accessory units, and wanted more information regarding the size of the homes being proposed.

**Alice Jameson**, Lower Lock, stated that she was uncomfortable with the project and had concerns regarding the impact on safety of the neighborhood.

**Greg Lizak**, Bishop Road, stated that he was not comfortable with the project and was not comfortable with the conflict of interest of the vice-chair of the Planning Commission. He expressed concerns that this would be a residential compound, and would like more details regarding the environmental impact.

Councilmember Feierbach stated that she liked the reduction of units from eight to two, and the development of the trails. She expressed concerns regarding the logistics involved in creating permanent open space, because the City's policy in the Canyon discourages the acquisition of PDF (Potential Debris Flow) or MD (Moving deep landslide) properties. She also expressed concerns regarding the potential for a road extension, and suggested hiring Michael Colantuano, a land-use attorney, to answer the question. She clarified that if these concerns were addressed, she could support the project.

Councilmember Metropulos stated that the lot merger program was put in place to limit development and that the proposed project meets this goal and could eliminate future development. He also stated that he was concerned with the need for a road extension as well.

Councilmember Warden stated that the proposal meets the intent of the lot merger and slope density programs. He agreed that Council needed an answer regarding the precedence of a potential road extension.

(Verbatim comments from Councilmember Bauer): I tend to agree. As far as the road extension, I think that can be dealt with and worked out in a manner that will satisfy everyone. In my perception of San Juan Canyon, this is what I would want to see. I would want to see certain areas dedicated to open space in conjunction with home building at a minimum, one that would minimize their dedicated affect in the overall aspect of what San Juan Canyon is so it doesn't stand out. It's a nice place to live, but it's kind of like a place in the trees. It's there, yet it isn't. And from what we've seen so far, that seems to be the plan. I have to agree with everyone else, that this is exactly we would hope to accomplish in the San Juan Canyon area. (End of verbatim comments.)

Mayor Wright stated that the San Juan Canyon issue has always created dynamic tension, and that there will always be trade-offs in order to achieve balance. He clarified that he strongly supported the proposal and that it could be a prototype as opposed to a precedent.

City Manager Kersnar clarified that Council could enter into a development agreement to deal with the concerns, and that this could set limits at the front end. He clarified that a development agreement would relate to this particular property, so there would be no precedence for other properties. He stated that Council would need to approve any development agreement, and could choose to amend the General Plan or the San Juan Plan if desired.

Mayor Wright stated that the purpose of this presentation was to give direction regarding the conceptual plan only, and that the details could be worked out through the planning process.

Councilmember Warden agreed that good faith negotiations on both sides could help deal with all of the issues and concerns.

Mr. Sarté stated that he has read the San Juan Plan, and that this proposal meets and exceeds the land conservation objectives of the Plan. He commented that he is willing to work together with the City, and will provide details to questions and concerns expressed by the community.



## **PUBLIC COMMENTS AND ANNOUNCEMENTS (continued)**

**Greg Lizak**, Bishop Road, stated that he felt the Brown Act was violated at last meeting when Council took action on an item during public comment on an item which was not on agenda.

**George Kranen**, Notre Dame Avenue, commented on statements during the earlier Public Comments regarding the makeup of the ORTF (Open Space Recreation Task Force), and that members represented the areas they represented on the task force, and not other interests they may have. He stated that everyone worked well together on the task force.

**ADJOURNMENT** at this time being 10:10 P.M., in memory of the victims of September 11.

Meeting Audio and Video Recorded

Tape No. 562

Terri Cook

City Clerk